

a second time and passed to a third reading ; rule further suspended, bill read a third time and passed.

A bill for the purchase of the Alamo Monument ; read first and second times, and on motion of Mr. Taylor of Cass, referred to the committee on State Affairs.

A bill to attach a portion of Trinity county to Walker county, was read first time.

On motion of Mr. Grimes, the rule was suspended, bill read a second time and passed to a third reading ; rule further suspended, bill read a third time and passed.

The Senate, being full, proceeded to the consideration of the bill supplemental to an act to perfect land titles in Castro's colony, approved January 22, 1850.

Mr. Burroughs offered the following amendment :

"Provided that no one shall be entitled to the benefits of this act, unless he first prove, by his own and the oath of two witnesses, that he or she was an actual settler or resident within the colony on the 15th of February, 1847."

Mr. Potter moved to lay the amendment on the table.

On motion of Mr. Paschal, a call of the Senate was ordered. Absent—Messrs. Graham, Shepard, Stockdale, Throckmorton, Whaley and Wigfall.

On motion of Mr. Russell, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, January 16, 1858.

The Senate met pursuant to adjournment—Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Wren presented the petition of Thomas Powell ; referred to the committee on Claims and Accounts.

Mr. Erath presented the petition of sundry citizens of Bosque county ; referred to the committee on the Militia.

Mr. Martin, Chairman of the committee on Private Land Claims, made the following reports :

The committee on Private Land Claims, have considered a bill for the relief of Thos. Leftwick and Ashmore Edwards, and find the facts to be as follows, viz : Thomas Leftwick emigrated to Texas, as a captain in the army of the Republic prior to August 1st, 1836. Did service for the country and remained here up to the time of his death, which took place

in the town of Matagorda, in or about the year 1847. He never had any family in the Republic, and is consequently entitled to a headright certificate for one-third of a league of land.

Ashmore Edwards emigrated to Texas at a very early day, with his father's family, was a man grown at the date of the declaration of independence, and has continued in Texas ever since. He is a single man and is consequently entitled to a headright certificate for one-third of a league of land. Your committee find from the certificate of the Commissioner of the General Land Office that neither party has ever received a headright certificate ; but as a matter of security I am instructed to recommend the adoption of the following amendment, and the passage of the bill.

Amend by adding to section 1 :

" Provided said parties have never received any headright certificate for land heretofore."

The committee on Private Land Claims have considered a bill for the relief of Polly Guthrie and the heirs of Andrew Jones, and instruct me to report the same back to the Senate, and recommend its passage.

Mr. Paschal made the following reports :

The committee on Internal Improvements have considered a bill granting further time to railroad companies heretofore incorporated, to make the reports required of them, and instruct me to recommend its passage.

The committee on Internal Improvements have considered a bill authorizing the cancellation of a certain contract for work to be done on Sabine river, upon the execution of a new one by the parties mentioned herein, and instruct me to recommend its passage.

The committee on Internal Improvements have considered a bill to amend the 8th section of an act to encourage the construction of railroads in Texas by donations of land, passed January 30, 1854, &c., and instruct me to recommend its passage.

The committee on Internal Improvements have considered a bill for the relief of the Colorado Valley Railroad Company, and instruct me to recommend its passage.

On motion of Mr. Paschal, the rule was suspended, bill taken up, read and passed to a third reading.

Rule further suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Fall, Grimes, Guinn, Lott, McCulloch. Martin, Maverick, Paschal, Pedigo, Pirkey, Potter, Quinan, Scarborough, Shepard, Stockdale, Throckmorton and Truitt—20.

NAYS—Messrs. Russell, Whaley and Wren—3.

On motion of Mr. Paschal, the rule was suspended, and a bill granting further time to railroad companies heretofore incorporated, to make the reports required of them, &c., was taken up, read and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported :

A bill for the relief of H. M. Smith, of Rusk county ; and a bill to regulate juries—correctly engrossed.

Mr. Herbert made the following reports ;

The committee on Roads, Bridges and Ferries, have considered a bill to amend an act to incorporate the Clarksville and Mount Pleasant Turnpike Company, and instruct me to report the same back to the Senate, and recommend its passage.

The committee on Roads, Bridges and Ferries have considered a bill to authorize and require the county courts to regulate roads, appoint overseers, &c., and instruct me to recommend its passage, with the following amendment :

Amend by inserting in section 20, line 5, after the word "offence," the words "and on his failure to pay such fine he shall be imprisoned in the county jail of the county in which the offence was committed for ten days, unless sooner paid."

On motion of Mr. Russell, the rule was suspended, and bill and report made the special order for Monday next, the 18th inst.

Mr. Pirkey made the following report :

The committee on Public Lands have considered a bill to authorize the issuance of patents upon certain surveys in Peters' Colony. It appears that the objection to patenting said surveys, is that the field notes bear date subsequent to the 10th day of February, 1852, when by law headright certificates could not be made within the limits of Peters' Colony, and within which said surveys were made. It appears, however, that the files were previously made, and your committee believe that if there are no conflicting rights, the relief sought should be granted, and have instructed me to return the bill to the Senate, with the following amendment, viz :

"Provided said surveys are correctly made, and there are no conflicting claims to said surveys," and recommended the adoption of the amendment and the passage of the bill.

Mr. Britton introduced a bill to incorporate the Love Bridge and Turnpike Company; read first time.

On motion of Mr. Britton, the rule was suspended, bill read a second time and ordered to be engrossed

Rule further suspended, bill read a third time and passed by the following vote:

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall Graham, Grimes, Guinn, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pedigo, Pirkey, Quinan, Russell, Scarborough, Shepard, Taylor, of Cass, Throckmorton, Truitt, Walker, Whaley, Wigfall and Wren—27.

NAYS—Mr. Taylor, of Fannin—1.

Mr. Hyde introduced a bill to encourage the importation of apprentices to labor in the State of Texas; read first and second times and referred to the committee on State Affairs.

Mr. Wigfall introduced a bill to amend an act to incorporate the Texas Western Railroad Company, approved February 16, 1852; read first and second times and referred to the committee on Internal Improvements.

On motion of Mr. Guinn, a bill to legalize the acts of the county court of Angelina county, was taken up, read and ordered to be engrossed.

On motion of Mr. Fall, the rule was suspended, bill read a third time and passed.

A message was received from the House, informing the Senate that the House had passed—

A bill to reorganize the third Judicial District, and to prescribe the times of holding courts therein.

A bill to authorize the clerk of the county court of Smith county to transcribe certain records; and

A bill to reorganize the thirteenth Judicial District, and to fix the time of holding the courts therein, originating in the House; and

A bill for the relief of the Houston and Texas Central Railroad Company; and

A joint resolution relating to the impeachment of the Hon. Jno. C. Watrous, originating in the Senate. The joint resolution with an amendment.

And also the following Senate bills:

A bill to provide for an enumeration of the inhabitants of the State of Texas for the year 1858.

A bill to incorporate the grand and subordinate chapters of Royal Arch Masons, in the State of Texas ; and

A bill to amend an act to incorporate the Bastrop Academy, approved February 7th, 1853.

ORDERS OF THE DAY.

The question being, on the motion of Mr. Potter, to lay on the table the amendment offered by Mr. Burroughs to a bill supplemental to an act to perfect land titles in Castro's Colony, approved January 22d, 1850.

The motion prevailed, by the following vote :

YEAS—Messrs. Britton, Caldwell, Grimes, Hyde, McCulloch, Maverick, Paschal, Pedigo, Potter, Quinan, Scarborough, Shepard and Throckmorton—13.

NAYS—Messrs. Burroughs, Fall, Graham, Guinn, Lott, Martin, Pirkey, Russell, Taylor, of Cass, Truitt, Walker and Whaley—12.

The yeas and nays upon the final passage of the bill stood thus :

YEAS—Messrs. Britton, Caldwell, Grimes, Hyde, McCulloch, Maverick, Paschal, Pedigo, Pirkey, Potter, Quinan, Scarborough, Shepard, Stockdale and Throckmorton—15.

NAYS—Messrs. Burroughs, Fall, Graham, Guinn, Herbert, Lott, Martin, Russell, Truitt, Walker and Whaley—11.

The President decided that the bill had passed.

Mr. Burroughs appealed from the decision, stating that the bill required a two-thirds vote to pass it.

The decision of the President was sustained by the following vote :

YEAS—Messrs. Caldwell, Grimes, Hyde, McCulloch, Maverick, Paschal, Pedigo, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor, of Fannin, Throckmorton, Truitt and Wigfall—16.

NAYS—Messrs. Burroughs, Erath, Fall, Graham, Guinn, Herbert, Lott, Pirkey, Russell, Taylor, of Cass, Walker, Whaley and Wren—13.

A bill for the relief of Eldridge G. Rector ; read and ordered to be engrossed.

On motion of Mr. McCulloch the rule was suspended, bill read a third time and passed unanimously.

On motion of Mr. Potter, the Senate took a recess of five

minutes preparatory to going into the election of a Commissioner of Claims.

At the expiration of the time, the hour having arrived, the Senate proceeded to the Hall of the House of Representatives, on motion of Mr. Potter.

IN JOINT SESSION.

Roll called—quorum present.

The Speaker, having announced the object for which the joint session had convened, the President announced nominations for Commissioner of Claims, in order on the part of the Senate :

Mr. Potter nominated Jos. C. Rushing.

Mr. Graham nominated M. D. Ector.

Mr. Wigfall nominated Edward Clark.

The same gentlemen were put in nomination, on the part of the House.

On the first ballot the following Senators voted for Mr. Clark, viz :

Messrs. Caldwell, Erath, Grimes, Herbert, Hyde, Lott, Maverick, Paschal, Quinan, Shepard, Stockdale, Truitt, Throckmorton and Wigfall—14.

The following Senators voted for Mr. Rushing, viz :

Messrs. Burroughs, Fall, Guinn, McCulloch, Pedigo, Pirkey, Potter, Scarborough, Taylor, of Cass, Whaley and Wren—11.

And the following Senators voted for Mr. Ector, viz :

Messrs. Britton, Graham, Martin, Russell, Taylor, of Fanin, and Walker—6.

On the first ballot on the part of the House, Mr. Clark received 43 votes ; Mr. Rushing 28 votes ; and Mr. Ector 14 votes.

There being no election, the two Houses proceeded to a second ballot.

When the following Senators voted for Mr. Clark, viz :

Messrs. Caldwell, Erath, Grimes, Herbert, Hyde, Lott, Maverick, Paschal, Quinan, Shepard, Stockdale, Taylor, of Fanin, Throckmorton and Wigfall—14.

The following Senators voted for Mr. Rushing, viz :

Messrs. Burroughs, Fall, Guinn, McCulloch, Pedigo, Pirkey, Potter, Russell, Scarborough, Taylor, of Cass, Truitt, Walker, Whaley and Wren—14.

And the following Senators voted for Mr. Ector, viz :

Messrs. Britton, Graham and Martin—3.

On the second ballot on the part of the House, Mr. Clark received 52 votes ; Mr. Rushing 21 votes ; and Mr. Ector 11 votes.

Mr. Clark having received a majority of all the votes cast, was declared by the Speaker duly and constitutionally elected, Commissioner of Claims until the 1st day of October, A. D. 1859.

On motion of Mr. Russell, the Senate retired to its Chamber. Roll called—quorum present.

On motion of Mr. Paschal, the report of the committee on Internal Improvements on a bill for the relief of the Washington County Railroad Company, offering a substitute therefor, was taken up, read and the substitute adopted.

On motion of Mr. Paschal the first section of the bill was amended by inserting after “of,” in line 6, the words “the third and fourth sections of.” The bill was then ordered to be engrossed.

On motion of Mr. Shepard, the rule was suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Erath, Fall, Graham, Grimes, Hyde, McCulloch, Martin, Maverick, Paschal, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor, of Fannin, Wigfall and Wren—19.

NAYS—Messrs. Caldwell, Herbert, Pirkey, Russell, Throckmorton, Truitt, Walker and Whaley—8.

By leave Mr. Shepard introduced a bill to incorporate the Medical College of Texas ; read first and second times and referred to the committee on Education.

On motion of Mr. Quinan, a bill for the relief of Thomas Leftwick and Ashmore Edwards, with the report of the committee on Private Land Claims, offering an amendment thereto, was taken up, read, and the amendment adopted.

On motion of Mr. Quinan, the bill was amended by inserting “the heirs of,” before Thos. Leftwick. The bill was then ordered to be engrossed.

On motion of McCulloch, the rule was suspended, bill read a third time and passed.

Mr. Wigfall made the following report :

I am instructed by the committee on State Affairs, to whom were referred the bill for establishing a State University, with the substitute bill, establishing two, and the resolution requiring the committee to ascertain the condition of the Treasury, and report a bill for establishing one University, if

expedient, to report that there will be in the Treasury, on the 30th June, 1859, above \$500,000, subject to appropriation. The examination of the committee on this subject has been thorough. The basis of this calculation is given below, marked Exhibit A.

The committee deem it expedient to establish one University, and but one. They do not use the term University in its largest, and, probably, generally accepted signification—an universal school, in which are taught all the various branches of learning, arts and science. It is deemed expedient to dispense with the faculty of theology, for the obvious reason that its establishment would involve the necessity of deciding upon the orthodoxy of the different sects into which the religious community is divided. All are tolerated and protected. None can be encouraged, or established by law. It is believed, however, that all will be greatly benefitted by the establishment of a University, in the more limited sense, composed of the three faculties of Law, of Medicine, and of the Arts, Sciences and Literature. And religious sects, by establishing in the vicinity of the University, a Theological college, in which is to be taught its peculiar tenets, will be saved the expense of employing professors of languages, history and the sciences, which are necessary to be studied, and understood by those who are to expound the scriptures. This great advantage, it is believed, will soon be seen and appreciated by the different religious sects in our country. Churches will rapidly be built near the University, and thus, without any invidious interference on the part of the State, ample opportunities will be offered to all who attend it, to worship God after the dictates of their own conscience.

By establishing a University instead of a College, great advantage will be offered to all—both the rich and the poor. No particular course of study will be prescribed ; no procrustean rule established ; no impracticable efforts will be made to prepare all for every pursuit in life, but each may be fitted for any he may desire. The student of law may add to his course agriculture, chemistry, literature, history, political economy, and languages. The student of medicine, languages and science ; he who intends to become a tiller of the soil may study alone agricultural chemistry, or, if he would become a useful citizen, and prepare himself to occupy that position in life, with credit to himself and benefit to his coun-

try, for which his vocation so peculiarly fits him, he may add to his studies political economy and history.

To establish even one University, which will be of any practical benefit to the people, the outlay must be large. What is called economy is often extravagance in disguise. Parsimony is always so. In addition to the lecture rooms, which should be large, it will be necessary to erect an observatory, and procure a library, philosophical apparatus, cabinet of minerals, &c. What is worth doing at all, is worth doing well—"niggardliness is not good husbandry." State pride forbids the idea of establishing an institution not commensurate with the vast resources of the State. The lectures should be free to all citizens of the State. No monopoly of learning should be secured to wealth. The funds we are appropriating were purchased by the blood of the heroes of our Revolution. The sons of the patriots of that period, who bought the liberty we enjoy with their fortunes, should not be excluded, even if it were necessary to resort to taxation. But taxation will not be necessary if we discard the chimerical idea of establishing two Universities. The cost of one, such as should be established, will require all the means the State can command, large as they are. The interest upon the amount necessary to establish the second would pay the professors of the first. Is it better to have two, into neither of which the sons of any but the rich could enter, or one, which would be open to the poorest youth in the State? Establish a University in the east and one in the west, and the sons of all will be excluded, except those of the rich. Establish one, whether east or west of the Trinity, and it will be open to all, whether rich or poor. Your committee would regret to see the descendants of one who perished at Goliad or in the Alamo, excluded from an institution of learning founded by the State from the very fund furnished by his blood, into which the son of a fortunate land speculator could buy his way. These considerations alone, would induce your committee to favor the establishment of but one University, were there no others; but there are other and even higher considerations.

It must be the wish of every patriot that all sectional differences, which now unhappily prevail, founded upon mere locality, should cease. Establish two Universities—one in the east and the other in the west—and the youths of the different sections of the State will be educated at their respective

institutions. Will not a rivalry at once spring up between the two institutions? Will not the youths of each become imbued with these sectional prejudices? May not different systems of political philosophy be taught in the rival institutions? Texas should be a unit. No friendships are so lasting as those formed in early youth. No ties so binding as those of college life. The chum is a brother, not of accident, but of choice.

Then let us bring our youth from the east and the west, from the north and the south, and educating them at one common institution—teach them to feel that they are Texians. When their hearts are most susceptible of impressions allow them to form friendships which will last with life. When they meet upon the great theatre of action, let them meet like brothers. Establish two institutions, and you will already have formed two States. Those who have been educated out of a common fund will meet in your Legislative Hall like strangers—they will feel like strangers—they will act like strangers. A division of the State has ceased to be thought of, except by those who love place and power more than country—those for whom there are not offices enough. The equilibrium between the north and the south can never be re-established by a division of the State. If Texas is to remain in the Union, as must be the wish of every patriot, her power and influence will be diminished by division. New England, as one State, with but two Senators on the floor of Congress, would, by her vote in the electoral college, control the destinies of the country. New York, divided, would be shorn of her power. Texas came into the Union as an Empire. Let her remain in it an Empire, or go out of it an Empire. Virginia, when the Empire State, furnished protection to her sisters of the South—she has been overshadowed by New York. Let Texas take her place. Under her guidance the South will be safe—the Union will be safe.

Your committee have, according to instructions, reported a bill for the establishment of one University. They cannot hope that its details are perfect. It is but the entering wedge. Future Legislatures can complete the work they have begun, supply the deficiencies and correct their blunders. If nothing is begun nothing can be finished. They deem it important at this time to make the appropriations, for fear that at another there will be nothing to appropriate. They have not thought it expedient to determine the location of the University. That, in their opinion, is a matter of but small consequence, so that

there be but one. If open to all, they doubt not it will be resorted to by all, whether it be established in the east or west, or in neither. The question is, shall we have a University? not where shall we have it. They would regard any suggestions as to locality as ill timed, and as calculated, if not intended, to destroy this great undertaking. They cannot consent to sacrifice patriotism upon the altar of selfishness. They feel that they would be unworthy to sit in the councils of the State could they not leave their miserable neighborhood prejudices at home. It was not for the east or the west that the blood of our patriot-heroes was shed in 1836. It was for Texas that they bled, for her independence, her glory and prosperity.

There is one other matter to which your committee will briefly allude. It seems to be supposed by some that it was the intention of the Congress of 1838 to establish an eastern and western University, and that we should be governed by that initiative. This opinion results from an entire misapprehension of the facts. The journals of that Congress show that the committee to whom was referred President Lamar's message, reported a bill appropriating land to two institutions, "one to be established in Eastern and the other in Western Texas"—that the words eastern and western were stricken out—(Journals of House of Representatives, page 279.) Your committee is informed upon good authority, that the appropriation to two institutions was not made with a view to establish two, for young men, and make the institutions sectional. The idea was suggested, but was indignantly frowned down by the patriots of that day. The words "Eastern and Western" were stricken out, as has been suggested, and the word "two" retained, that one might be established for each of the sexes, should it afterwards be deemed expedient.

I am further instructed by your committee to introduce a joint resolution, (marked exhibit B.) for altering the constitution so as to secure the donations of lands to the University and public schools, and do not doubt, should it pass, that it will be ratified by the people. The necessity is so obvious that argument is deemed useless.

All of which is respectfully submitted.

LOUIS T. WIGFALL,
Chairman Committee on State Affairs.

EXHIBIT A.

Comptroller's estimate of funds remaining in the
 Treasury, 30th June, 1859. - - - - \$159,348 19

An examination of the Comptroller's report will
 show that the above balance is estimated from
 the funds now in the Treasury, and that he
 has not taken into account the State taxes to
 be received into the Treasury, between this
 time and the 30th of June, 1859. These taxes
 should be added to the above balance. The
 taxes for 1857 amounted to over \$300,000. For
 several years past the taxes have increased 10
 per cent. per annum. Estimate the taxes of
 1858 at \$330,000, from which deduct expenses
 for collecting, &c., and there will remain about \$280,000 00

\$439,348 19

In making the above balance, the Comptroller
 estimated all the appropriations that might
 probably be made, at the present session, as
 all heretofore made, of which at least \$30,000
 will never be used. He also estimated that it
 would require about \$225,000 to pay the out-
 standing public debt of the Republic, which is
 believed to be over estimated, at least \$70,000.
 Deduct, then, two amounts, and the balance in
 the Treasury will be increased - - - - \$100,000 00

Money in Treasury, June 30, 1859. - - - - \$539,348 19

EXHIBIT B.

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE
CONSTITUTION.

Be it resolved by the Legislature of the State of Texas,
 That the following be and the same is hereby proposed as an
 amendment to the constitution of the State of Texas, which,
 when ratified in the manner prescribed by the thirty-seventh
 Section of the seventh Article of said constitution, shall be
 valid to all intents and purposes, as a part of said constitu-
 tion, to-wit:

The third section of the tenth Article of the constitution of

the State of Texas, shall be amended, so that it shall read as follows, viz :

Sec. 3. The public lands that have been heretofore or that may hereafter be granted for public schools, to the various counties, or other political divisions of the State ; and the public lands that have been or may hereafter be appropriated for a State University, shall not be alienated in any other manner than by a sale at public auction, to the highest bidder, at not less than a minimum price, to be established by the Legislature, which minimum price shall not be established at less than one dollar an acre.

A bill to establish the University of Texas, read first time.

On motion of Mr. Wigfall, the rule was suspended, bill read second time, and made the special order for Tuesday next, the 19th inst.

The report of the committee on Public Debt, on the petition of Dr. W. Richardson, was read, and

On motion of Mr. Potter, the petition and report were laid on the table.

On motion of Mr. Taylor, of Cass, the Senate adjourned until Monday morning at 10 o'clock.

MONDAY, January 18, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Guinn presented the petition of Jno. B. Stewart ; referred to the committee on the Judiciary.

Mr. Herbert made the following report :

The committee on Roads, Bridges and Ferries, have considered the petition of sundry citizens of Tyler county, asking an incorporation for the purpose of establishing a permanent crossing at or near Providence Hill, have considered the same and instruct me to report the accompanying bill and recommend its passage.

A bill to incorporate the McKinney Bridge and Ferry Company ; read first time.

On motion of Mr. Pedigo, the rule was suspended bill read a second time and ordered to be engrossed—rule further sus-